

REMARKS

Claims 1 and 3-8 are pending in the application

Claims 1 and 3-8 are rejected

Claims 1, 3-4 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuboi et al (US 2001/0048249) in view of Shimura US 6,441,515.

Claims 5 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuboi et al (US 2001/0048249) in view of Shimura (US 6,441,515) and in further view of Jong et al (2002 IEEE publication, "Smart Silicon Sensor – Example of hall Effect Sensors").

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuboi et al (US 2001/0048249) in view of Shimura (US 6,441,515) and in further view of Yagoto et al.(US 5,801,462).

The Applicants traverse the rejections and request reconsideration.

Claim 1 has been amended to provide proper antecedent bases for the claim terms "the permanent magnet" and "the linear scale" recited presently in connection with a magnetic pole detector. These amendments should not raise issues requiring further search or consideration.

Claim Rejection Under 35 U.S.C. § 103(a)

Rejection of Claims 1, 3-4 and 7 as being unpatentable over Tsuboi et al in view of Shimura

The Examiner has withdrawn the section 102 rejection of the claims based on Tsuboi, but the claims have now been rejected based on the combined teachings of Tsuboi and Shimura. The Applicants respectfully submit that the combined teachings of Tsuboi and Shimura do not suggest a magnetic-pole detector on the table side so as to have an equal pitch as the permanent magnet for a magnetic field as required by claim 1. The Examiner has not provided any

additional explanation as to why Tsuboi teaches this feature. This feature is shown clearly in the present Applications, especially in Figs. 1, 4, 12 and 13.

Besides in making the rejections the Examiner reads both the magnetic pole detector magnet fixed on the table side and the permanent magnet for a field magnet on the same item 13 of Tsuboi. This is believed to be incorrect. The Applicant respectfully submits that claim 1 clearly requires these two magnets to be separate items.

The Examiner has not established prima facie obviousness of the present invention based on the combined teachings of Tsuboi and Shmura at least because he has not shown where all the elements discussed above are suggested therein. Specifically, the Examiner has not shown that the combined teachings of Tsuboi and Shimura suggests a separate magnetic pole detector magnet and a permanent magnet for a field magnet. In addition, he has not shown and suggestions for the pitches of these tow to be the same as required by claim 1.

Rejection of Claims 5 and 8 as being unpatentable over Tsuboi et al in view of Shimura and in further view of Jong et al

Claims 5 and 8 are dependent on claim 1 and are allowable at least for the same reasons. Moreover, Jong does not overcome the deficiencies noted in the combined teachings of Tsuboi and Shimura.

Rejection of Claim 6 as being unpatentable over Tsuboi et al in view of Shimura and in further view of Yagoto et al.

Claim 6 is dependent on claim 1 and is allowable at least for the same reasons. Moreover, Jong does not overcome the deficiencies noted in the combined teachings of Tsuboi and Shimura.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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